

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.2506 of 1998

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For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

PATIDAR STONE INDUSTRIES

Versus

DEPUTY ENGINEER (O & M)

Appearance:

MR HASHIM QURESHI for Petitioner

MR TUSHAR MEHTA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/04/98

ORAL JUDGEMENT :

Rule. Shri Tushar Mehta, learned advocate waives service of rule.

2. The revised supplementary bill for Rs.13,96,213-60 is for a period of six months and taking the load factor at unity. Since the earlier checking was

made on 6.12.1997, prima facie it appears to be just and proper to direct the petitioner to deposit 30 per cent of the revised bill calculated from 6.12.1997 and treating load factor at unity, that is to say, one. The said figure comes to Rs.8,57,106-60 as informed by the learned advocate for the respondents.

3. Without prejudice to the rights of the parties, the petitioner is directed to deposit 30 per cent of Rs.8,57,106-60 with the Board and prefer an appeal before the appellate committee. On the petitioner depositing Rs.1,00,000-00 and filing an undertaking before this Court as stated hereinafter, the connection shall be restored by the respondents. The balance amount of 30 per cent after deducting the amount already paid shall be paid by two equal monthly instalments. The appeal shall be heard only after the entire 30 per cent amount as aforesaid is paid. The petitioner shall file an undertaking to pay the amount as aforesaid within one week and before reconnection. The petitioner shall also undertake in the said undertaking not to transfer the assets of its firm till appeal is heard and decided.

4. The petition is disposed of in the above terms. Rule is made absolute to the aforesaid extent. No order as to costs.

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